

**CHAPTER 34**  
**DAY CARE CENTRES (ESTABLISHMENT AND MANAGEMENT)**  
**LAW**

*Arrangement of sections*

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**CHAPTER 34**  
**DAY CARE CENTRES**  
**(ESTABLISHMENT AND MANAGEMENT)**  
**LAW**

**A Law to provide for the establishment, registration and management of day care centres in the State.**

[27th August 1991]

Short title

1. This Law may be cited as the Day Care Centres (Establishment and Management) Law

Interpretation

2. In this Law—

"Commissioner" means State Commissioner for the time being charged with responsibility for matters relating to social welfare;

"day care centre" or "Centre" means an institution where children who have attained the age of six months but have not attained the age of six years are received to be looked after for the day or a substantial part thereof and are therein provided with meals and medical care and afforded opportunities of learning and playing, while the instructions given therein are aimed at teaching the children good physical habits and to be socially co-operative;

"Government" means Government of the State;

"manager" means—

(a). in relation to a day care centre conducted by the proprietor in person, the proprietor himself;

(b). in relation to a day care centre not conducted by the proprietor himself, the person for the time being appointed by the proprietor to manage the centre.

"Ministry" means State Ministry for the time being having responsibility for matters relating to social welfare;

"prescribed" means prescribed in the regulations made under this Law,

"proprietor" means any person or group of persons normally resident in Nigeria by whom a day care centre is established;

"State" means Enugu State of Nigeria.

Registration of day care centres

3. Subject to the provisions of this Law, no person, body of persons whether corporate or unincorporated or community shall establish or conduct a day care centre unless such day care centre has been duly registered under this Law.

Management of day care centre

4. Subject to the provisions of this Law, every day care centre shall be under the management of a manager who shall be responsible for carrying into effect in the day care centre concerned, the provisions of this Law or of any regulations made thereunder.

5. (I) Application to the Commissioner for the registration of a day care centre shall be made by the proprietor on the application form to be provided by the Commissioner.

(2) The application form referred to in subsection (1) may be as in Form A in the Schedule.

Application for registration (Schedule)

6. Subject to the provisions of this Law, a day care centre shall not be registered unless the Commissioner is satisfied—

- (a). that the manager of the day care centre or any other person employed to teach therein is a person qualified as may be prescribed in that behalf in any regulations made under this Law and is in all other respects a fit and proper person;
- (b). that the site and buildings of the day care centre are in all respects satisfactory;
- (c) that the equipment of the day care centre is suitable and sufficient to meet its requirements;
- (d) that adequate feeding arrangements with suitable diet and medical supervision have been provided
- (e). that adequate arrangements have been made for the keeping of the records of the children; and
- (f). that the centre in all other respects complies with the provisions of any regulations made under this Law.

7. (1) The Commissioner shall, on being satisfied that the conditions for registration prescribed by this Law and the regulations made thereunder have been met, issue in respect of a day care centre for which an application has been made under this Law a certificate of registration.

(2). A certificate of registration issued pursuant to subsection (1) shall be as in Form B in the Schedule

8. (1) The registration of a day care centre under this Law shall be renewed annually at the commencement of every financial year upon payment of such fees as may be prescribed.

(2). A certificate of renewal of registration shall be as in Form C in the Schedule.

9. (1) The Commissioner shall cause to be kept a register of all day care centres registered under this Law.

(2) There shall in respect of each day care centre be recorded in the register referred to in subsection (1) the following particulars—

- (a). the name of the day care centre.
- (b). the name of the proprietor;
- (c). the name of the manager of the centre;

- (d). the address of the premises in which the centre is located:
- (e). the maximum number of children entitled to be rolled in such centre; and
- (f) the number of the certificate of registration of the centre.

(3). The register to which this section applies may be amended from time to time so as to take into account any change of circumstances affecting a day care centre.

10. Any person authorized by the Commissioner and producing, if so required, some document duly authenticated by the Commissioner as evidence of his authority, may at all reasonable times enter and inspect any premises which are used as a day care centre, and may inspect the children, the arrangements for their welfare and any records required to be kept under by this Law or any regulations made thereunder.

Inspection  
of a day  
care  
centre

11.(1) Where it appears to the Commissioner that the provisions of this Law or of any regulations made thereunder or any of them are not being complied with in relation to a day care centre, or that circumstances exist which would have justified a refusal to register such centre, he may by order—

Power to  
cancel or  
suspend  
registrati  
on

- (a). suspend the registration of such centre until the conditions which caused the order of suspension to be issued have been rectified; or
- (b). cancel the registration of such centre:

Provided that no such order of suspension or cancellation shall be made until the conditions on account of which such order is contemplated have been conveyed in writing to the manager or the proprietor thereof and the manager or proprietor has had an opportunity of representing his case either personally or in writing to the Commissioner.

(2). When an order of suspension or cancellation of the registration of a day care centre has been made under subsection (1) such centre shall thereupon be closed by the proprietor or manager.

(3). The manager or the proprietor who is aggrieved by an order of suspension or cancellation made under this section may apply to the High Court having jurisdiction in the area where the day care centre concerned is situated for an order revoking the suspension or cancellation order, but the order of suspension or cancellation shall remain in force until it is revoked by the court.

(4). The application to the High Court under subsection (3) shall be made within fourteen days of the order of suspension or cancellation of registration of the day care centre concerned.

(5). Any order of suspension or cancellation made under this section shall be in addition to any proceedings which may be instituted in respect of any contravention or failure to comply with the provisions of this Law or any regulations made thereunder and to any penalties which may be imposed on conviction in such proceedings whether or not such conviction is had on the same facts on which the order of suspension or cancellation was made

12. Every day care centre existing and functioning in the State at the time of commencement of this Law shall within sixty days from the date of coming into force of this Law be registered by the proprietor thereof in accordance with the provisions of this Law.

Existing day  
care centres  
to registered

13. (1) The Commissioner may delegate to any officer of the Ministry any of the functions conferred upon him by this Law other than the power to make regulations under this Law

Delegation  
of  
Commission  
er's  
function

(2). Any such delegation shall be revocable at will and no delegation shall prevent the exercise by the Commissioner of any of the functions delegated.

(3). The delegation may be made either generally or in respect of any particular function and shall be in writing and, when made generally, shall be published in the State Gazette.

14. Where the proprietor of a day care centre fails or neglects to register that centre in accordance with the provisions of this Law, such proprietor shall be guilty of an offence and on conviction shall be liable to imprisonment for six months or to a fine of five hundred naira, and if the offence of which he is convicted is continued after the conviction he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding twenty naira for each day in which the offence is so continued.

Failure to  
register a  
centre

15. Where the proprietor of a day care centre registered under this Law fails or neglects to renew the registration of that centre after it has become due in accordance with this Law, such proprietor shall be guilty of an offence and on conviction shall be liable to imprisonment for three months or to a fine of three hundred naira; and if the offence of which he is convicted is continued after the conviction he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding twenty naira for each day in which the offence is so continued.

Failure to  
renew  
registration

16. A manager or other person for the time being in charge of a day care centre who obstructs the Commissioner or other person authorized by the Commissioner in the performance of his duties under this Law or who on demand by the Commissioner or other authorized person gives any information which he knows to be false or does not believe to be true, shall be guilty of an offence and on conviction shall be liable to imprisonment for

Obstructing  
the  
Commission  
er etc

Power to  
make  
regulations

17.(1) A person who publishes an advertisement in connection with a day care centre which has not been registered under this Law is guilty of an offence.

(2). Where there is in force an order of suspension or cancellation of the registration of a day care and such order had not been revoked by a court to which an application for its revocation may have been made, a proprietor or manager who fails to close or keep closed the centre upon or after the coming into force of the order of suspension or cancellation is guilty of an offence,

(3). A proprietor, manager or other person who runs, manages or teaches in a day care centre in respect of which an offence has been committed under subsection (2) is guilty of an offence.

(4). A proprietor or manager who is guilty of an offence under this section shall on conviction be liable to imprisonment for six months or to fine of five hundred naira.

(5). Any person, other than a person mentioned in subsection (4), who is guilty of an offence under this section shall on conviction be liable to a fine of three hundred naira.

Power to make  
regulation

18. The Commissioner may make regulations in respect of the establishment, supervision and inspection of day care centres, the conditions for registration, and generally for the carrying into effect of the provisions of this Law and, without prejudice to the generality of the powers so conferred, any regulations made under this section may provide for—

- (a). any matter or thing required to be prescribed under the provisions of this Law;
- (b). regulating the accommodation for children in day care centres;
- (c). the specifications of buildings including classrooms and conveniences for the purposes of a day care centre;
- (d). the standards of sanitary arrangements;
- (e). the specifications of the furniture and play equipment for the purposes of a day care centre;
- (f). requisite qualifications for the manager and other staff, including teaching staff of a day care centre;
- (g). the curriculum for day care centres;
- (h). fees payable—
  - (i). for registration of a day care centre;
  - (ii). for the annual renewal of registration of a day care centre;
  - (iii). in respect of each child as upkeep and tuition fees.
- (iv). in respect of any other matter the Commissioner may consider appropriate;

- (i). the registers and records to be kept by a day care centre:
- (j). the feeding and medical care of children in day care centres.
- (k). the establishment of associations of parents and teachers for the welfare of children in daycare centres;
- (l). the conduct of the inspections and the notification to any person of the contents or part thereof of any report.
- (m). the making of reports of inspections and the notification to any person of the contents or part thereof of any report
- (n). the manner in which any person affected by a report may notify the authority to whom it is made that he disputes any fact or opinion contained in that report;
- (o). regulating the period of keeping open of day care centres

## **SCHEDULE**

### **FORM A**

[Section 5 (2)]

## **FORM OF APPLICATION FOR REGISTRATION OF A DAY CARE CENTRE UNDER**

### **THE DAY CARE CENTRES (ESTABLISHMENT AND MANAGFMENT LAW**

1 Name of Day Care Centre. -----  
----

2. Situation Day Care Centre. -----  
-----  
-----

3. Name and address of Proprietor -----  
-----  
-----

4 Manager of Day Care Centre -----  
----

(a) Name -----  
----

(b) Qualification (with dates) -----  
----

-----  
-----

5. Particulars of other staff and qualification

(a) -----  
-----

(b) -----  
-----

(c) -----  
-----

(d) -----  
----- (e) -----  
-----

6. Maximum number of children to be admitted -----  
-----

7. Proposed hours of business of Day Care Centre -----  
-----

8. Amenities available in Day Care Centre -----  
----- (a) -----  
-----

(b) -----  
-----

(c) -----  
-----

Signature of Applicant -----  
-----

Name (Printed) -----  
-----

Contact Address -----  
-----

Date -----  
-----

Note-There must be attached to this application a photocopy of a valid tax clearance certificate

## **FORM B**

[Section 9 (2)]

### **CERTIFICATE OF REGISTRATION**

THIS IS TO CERTIFY that -----  
-----

( name of centre)

of -----  
-----(address)

has been registered as a day care centre under the Day Care Centre (Establishment and Management)

Name of Proprietor -----  
----

Maximum number of Children admissible -----  
----

Registration No -----  
----

Renewal Data -----  
----

DATED this -----day of ----- 20 -----  
----

(Signed) -----  
for Commissioner for information Social  
Development Youth Sports and Culture

### FORM C

[Section 8 (2)]

#### RENEWAL OF REGISTRATION CERTIFICATE

THIS IS TO CERTIFY THAT the registration of -----  
---- (name of centre)

of -----  
-----(address)

has been renewed for a period of twelve months.

This renewal expires on the -----day of ----- 20 -----

-----Original Registration No and Date -----

-----Renewal Registration No -----

-----DATED this -----day of ----- 20 -----

-----

(Signed) -----  
for Commissioner for Information,

Social Development, Youth, Sports and culture